

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Stephen Bain,	:
Plaintiff,	:
	:
v.	: File No. 1:06 CV 168
	: Consolidated with
Robert Hofmann, et al.,	: File No. 2:07-CV-70
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed December 19, 2007. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The Defendant Hofmann's motion to dismiss (Paper 34) is GRANTED with respect to any claims (1) pertaining to conduct that took place in Oklahoma (2) that are brought against him in his individual capacity. The motion to dismiss should be otherwise DENIED. It is further ordered that Bain's motion for a preliminary injunction (Paper 50) be DENIED insofar as it seeks relief against Hofmann for actions that occurred in Oklahoma. In addition, this case shall be consolidated with case number 2:07-CV-70. The lead case is 2:07-CV-70.

Dated at Burlington, in the District of Vermont, this 10th day of January, 2008.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge